COCHIN LEGISLATIVE COUNCIL.

Tuesday, the *20th of March 1934.*
7th of Meenam 1109.

The House met at half-past eleven of the clock with C. G. Herbert Esq., I. C. S. the Diwan—President in the chair. Messrs. K. G. Nayar, C. N. Ittiravi Nambudiri, A. I. Mani, K. T. Mathew, Popatlal Goverdhan Lalan and P. V. Subramania Ayyar were absent.

Questions and Answers.

Petition against Parvathiam of Kattakampal Village.

281. Mr. K. T. Mathew.—Will the Government be pleased to state—

(a) whether the Diwan has received a petition dated 14th Kanni 1109 from Mr. Pulikottil Ittikuru Ittoop, Kattakampal Village, Talappalli Taluk; and if so

(b) what are the allegations contained therein against the Parvathiam of the village;

(c) whether he has stated in the petition that he is prepared to prove to the satisfaction of the Diwan that the case of misappropriation is absolutely true;

(d) whether he has given an opportunity to prove the alleged misappropriation by the Village Parvathiam; and if so

(e) when and by whom that opportunity was given to him;

(f) whether a copy of the orders passed on his petition be printed and placed on the table?

Mr. K. Achyuta Menon.—(a) Yes.

(b) and (c). A copy of the petition is placed on the table. (*Appendix I*).

(d) Yes.

(e) The Diwan Peishkar is taking evidence on the allegations.

(f) The enquiry is going on. Orders will be passed soon.

Petition from Mr. Ittoop of Kattakampal Village.

282. Mr. K. T. Mathew.—Will the Government be pleased to call for and place on the table the original petition

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APPENDIX I·

Petition dated 14th Kanni 1109, from Pulikottil Ittikuru Ittoop, Kattakampal village, Talappalli Taluk.

I beg leave to bring to your kind notice a case of serious misconduct and misappropriation of money against the Parvathiam of Kattakampal village, Talappalli Taluk. The said Parvathiam misappropriated the amount paid by me in Medam last towards the Medam kist of land tax due from me in 1108 as per patta No. 195, Kattakampal village, and caused the harvest raised in Survey No. 640/1 to be attached and reaped under the Land Revenue Recovery Regulation, alleging non-payment of the said tax. I have thereby sustained serious injury to my reputation, besides heavy financial loss as well. I pray the Diwan may be pleased to do me bare justice in this matter.

I may be permitted to state here the series of circumstances that led up to the said acts of misconduct on the part of the Parvathiam. Connected events of two years previous, are mentioned below in order that the Diwan may be posted with all the required information to understand my case in full detail. A list of documents I rely on, in support of my position, is appended to this petition—vide Schedule A. I pray that the Diwan may be pleased to call for these papers and kindly peruse them.

Briefly stated, the following are the facts of my case. I purchased in Government auction 76 cents of land, covered by Survey No. 740/1, Kattakampal village, on 21st Thulam 1107 and on payment of the entire auction-amount, the sale was confirmed in my name. The plot in question was immersed under water at the time of the sale was affected and therefore no delivery of possession could be taken then. Subsequently when the water subsided, I inspected the plot of land and came to learn that out of the 76 cents I purchased, only about 30 cents could be available for my use and that the remaining portion was in the possession of neighbouring pattadars, themselves having encroached into Sirkar land. I therefore submitted a petition to the Diwan Peishkar on the 6th Kumbham 1107, praying that I may be put in possession of the entire plot of 76 cents of land and also requesting to point out the boundaries of the said plot of land sold to me by Government at public auction. To this petition I received a reply from the Talappalli Tahsildar—S. C. 666/1107 yadast dated 27th Meenam 1107 Talappalli Taluk Office, Vadakkancheri—to the effect that I ought to seek my remedies in a court of law. This order being quite unreasonable, I appealed to the Diwan on 6th Edavam 1107 and pointed out how I had become entitled under law to get the boundaries of the said land pointed out to me by the Revenue Department itself without being forced to drag the matter to a court of law at my instance. I had also pointed out in the said appeal petition that the subordinate village officers of Kattakampal village did bear a long standing feeling of animosity towards me and therefore I could not expect them to do anything in the matter except to bring in all possible obstacles in the way of my being put in possession of the entire plot in question.

There was also another reason why the village officers were interested that way. The neighbouring pattadars, who stood the risk of being dispossessed from the portions of land encroached into by them, also brought to bear some kind of influence over these officers in order to see they were not

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dispossessed at all. In my petition to the Diwan, therefore, I submitted that either the Revenue Department might be ordered to surrender possession of the entire plot of 76 cents of land to me marking out the boundaries or in the alternative, to be pleased to cancel the sale and refund my purchase amount. On this appeal petition, the Diwan was graciously pleased to order the Revenue authorities "to point out to the petitioner the exact boundaries of the field."—Vide L-Dis-15260/1107, Revenue Department, dated 24th November 1932. As this order went against the manipulations of the village parvathiam and village menon, they got further infuriated against me and in spite of the said order, nothing was done in pursuance thereof. This fact was again brought to the notice of the Diwan on 14th Kumbham 1108; vide petition dated 14th Kumbham 1108 and on that account also they got very much enraged against me.

From the moment the village officers received the above mentioned order of the Diwan, asking them to point out the boundaries of the field to me, instead of ordering me to seek the said remedy in a court of law as they had originally planned, they began to scheme out all kind of plots against me, to put me into unnecessary difficulties and trouble, and also to create documentary evidence against me to the effect that I had already been put in possession of the entire plot.

When I applied for a Sannad relating to the sale of the said property to me by Sirkar, it was refused and on the contrary I was informed that the said Survey No. 640/1 had already been transferred into my name. As a matter of fact, I had not applied for effecting any such transfer nor had I produced the required Sannad evidencing the sale. To my surprise I was further informed that the said Survey No. 640/1 would also be entered in my patta without any application from me—vide petition dated 6th Kumbham 1108 and yadast S. C. No. 967/1107, dated 19th Kumbham 1108, Talappalli Taluk Office, Vadakkancheri. All these unsolicited favours on the one hand and their refusal to grant me sannad on the other, pointly indicate one thing, namely their anxiety to create documentary evidence behind my back regarding my possession of the property, without actually putting me in possession. If a sale-sannad had been granted me (for which I was entitled under law) with the boundaries and extent of the property mentioned in it, I could have demanded surrender of possession of the entire property as per that sannad. This was however denied to me while they created records in their office regarding my possession of Survey No. 640/1. This is quite a strange procedure and the Diwan may be pleased to mark it and note the object underlying. The village officers not being satisfied with what they had already done in this behalf, they started creating fresh difficulties in the matter of the payment of land tax. Their object was evident. They wanted to create circumstances somehow or other, under which I could be forced to give them a yadast or statement which could subsequently be brought in evidence against me in support of their theory regarding my possession of the entire plot of land covered by Survey No. 640/1. In the year 1107 itself, they made their first attempt. The parvathiam refused to receive the land tax due from me as per my patta No. 195 which took in Survey No. 817/1 only, unless and until I paid the land tax due from Survey No. 640/1 as well. As this item had not been given to my possession by the Revenue authorities, I was not bound to pay any tax for it at all. So I was prepared to pay only the tax due from Survey No. 817/1. As the parvathiam refused to accept payment of this tax, I was obliged to send the same Rs. 3—4—0 by money order to his address- vide money order receipts dated 27th and 29th Edavam 1107, appended. Being afraid h-

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might not accept the amount sent him by money order, I went to the Taluk Office, Vadakkancheri, and deposited there another sum of Rs. 3—4—0 with a petition on 28th Edavam 1107 pointing out the circumstances under which I was forced to resort to these steps. The Edavam kist of land tax due in 1107 from Survey No 817/1 being only Rs. 3—4—0, the excess amount Rs. 3—4—0 sent by money order and which was received by the parvathiam should have been refunded to me, but not a pie out of it has been returned to me up till this moment.

What the village parvathiam really aimed at in refusing to accept payment of the land-tax in Edavam 1107, was to bring the property in question (Survey No. 640/1) under attachment for non-payment of tax. If he had succeeded, he could have tried to get from me a yadast or statement regarding my possession as a condition precedent for releasing the said property from attachment and sale. But having failed in this, their first attempt, they kept wide awake and brought it about in the year 1108.

The Medam kist of land tax used to be collected from the tax-payers only by the end of Medam, between the 20th and 29th of the month generally even though strictly speaking they could begin the collection from the very beginning of that month. For instance, the land tax due from my brothers as per patta Nos. 2) and 123 of Kattakampai village, was collected from them only on the 21st and 20th of Medam 1108—vide receipts appended. While such is the usual practice obtained in this matter, the harvest raised by my lessee in the available portion of Survey No. 640/1 was caused to be attached under the Land Revenue Recovery Regulation as early as the 19th of Medam 1108 for non-payment of tax—vide notice Pro. 881/1108/1 and P. 401/1108, dated 8th Edavam 1108, Talappalli Taluk Office, Vadakkancheri. The fact that such an attachment was effected on the 19th Medam 1108 was not made known either to the lessee or to myself at that time. No attachment notice, either before or after the 19th of Medam was ever served upon me. It was only from the notice referred to above, that I came to know for the first time that the attachment was, as a matter of fact, effected so early as the 19th of Medam 1108. This date more than anything else, will speak for itself as to the ulterior motive of the village officers.

My lessee was however informed by the village menon on the 26th of Medam that he ought not to reap the harvest, as it was attached by the Department for non-payment of tax. The matter was reported to me the same day afternoon when I rushed to the parvathiam and paid Rs. 5 to him towards the land tax in question and requested him to release the property from the attachment. I met the parvathiam on the way, at about 4 o'clock. After accepting payment of the amount from me, he said he would do the needful in the matter and pass me a receipt for the amount the next day. Messrs. Kakkasseri Tharu Nathunni of Pazanji village and Kandampilli Makka Kitta alias Krishnan, are eye witnesses to this event.

The parvathiam did not act up to his word nor did he pass a receipt. He coolly pocketed the money paid to him. I therefore submitted a petition to the Talappalli Tahsildar on the 29th of Medam 1108 in which I stated about the payment of a sum of Rs. 5 towards land tax to the parvathiam on the 26th. I however, anticipated difficulty and therefore volunteered to pay the said land tax again at the Taluk Office in order to avoid even the remotest possibility of the harvest being reaped by the village officers. The Tahsildar did not accept payment of the land tax a second time on the 29th, but he made an endorsement on the back of my petition and forwarded it to the Revenue Inspector, assuring me that the Revenue

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Inspector would do the needful in the matter. On approaching the Revenue Inspector the next day he said he would release the harvest to me in case I was prepared to give him a written kychit. I pointed out my difficulties to give any such kychit, but requested him to release the harvest taking a kychit from my lessee who was the man actually in possession of the land. He agreed to the course suggested and took a statement from me to that effect on the back of my petition—forwarded to him for action by the Tahsildar on the 29th. After doing so, he redirected me to the parvathiam stating that the latter would issue me a receipt for the tax paid to him on the 26th Medam and would also release the harvest after taking a kychit from the lessee.

Accordingly my lessee and myself went to the parvathiam the next day, 31st Medam 1108 and saw him at the village office. I asked for the receipt and also requested him to release the harvest, on the kychit of my lessee. He agreed and demanded a further sum of Rs. 3 towards expenses of attachment, etc., which amount also I paid him then and there. After pocketing this amount as well he insisted upon my giving him a written statement.

The matter was reported to the Revenue Inspector at once but nothing came out of it. So, on the same day, 31st Medam 1108, I went to the Tahsildar and submitted another petition and again offered to deposit the land tax with him. He refused to accept payment or to do anything further in the matter. The next day therefore I submitted a petition to the Diwan Peishkar—vide petition dated 1st Edavam 1108, and sent the amount of the land tax by money order to the Tahsildar on the 2nd Edavam 1108 (1st Edavam being a Sunday money order could not be sent on the 1st itself). After having misappropriated the amount of Rs. 8 (more out of ill-will and revengeful spirit I suppose, than with the object of making much of an illegal gain) the parvathiam caused the attached harvest to be reaped, for alleged non-payment of tax, on the 1st of Edavam itself, while I had gone to Trichur to submit the petition in this connection to the Diwan Peishkar. Before the reaping actually began the lessee offered to pay on the spot the whole of the amount due by way of land, tax, etc., from me and tendered a sum of Rs. 15 but the village officers deliberately refused to accept the same and proceeded with the reaping of the harvest.

The lessee and myself have sustained substantial loss on this account and it is my humble prayer that an official enquiry be ordered to be held into the alleged act of misconduct on the part of the village officers as set out above.

I submitted a petition before the Diwan Peishkar again on the 4th of Edavam 1108, praying that my grievances may be kindly redressed, but the said petition was dismissed without assigning any reason and also without giving me an opportunity to prove my case. So I appealed to the Diwan on the 21st of Mithunam 1108 and requested him to be pleased to order an enquiry into the several acts of misconduct and misappropriation alleged in the said petition against the village officers of Kattakampal village, but unfortunately that petition was also dismissed with a finding to the effect "that the allegations in the petition are groundless." Order L. Dis. 18046/08 dated 14th August 1933, Revenue Department.

The said order has seriously aggrieved the petitioner. I therefore beg leave to pray that the Diwan may be graciously pleased to review this order for the reasons mentioned below.

(1) I am aware of the full responsibility of the position I have assumed in this matter and am prepared to prove to the satisfaction of the Diwan

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that the case of misappropriation I have alleged herein, is absolutely true and it is not groundless.

(2) The order referred to above was passed ex-parte and without giving me a hearing to explain the circumstances at length.

(3) I have not been given any opportunity up till this moment to adduce independent evidence in support of my position and substantiate my case.

(4) I am afraid all the papers mentioned in Schedule A appended to this petition, have not been placed before the Diwan.

(5) The reports of the Revenue Department are likely to be one sided and prejudiced against me, in their anxiety to support their subordinate officers, and I have not been given any opportunity to peruse them or to meet the counter-arguments, if any, contained in them.

For these reasons, I pray the Diwan may be pleased to re-open the file and review the said order and meet out bare justice to me, after giving me an opportunity to prove my case. Should the Diwan be pleased to order an enquiry into the several allegations contained in this petition, I take the full responsibility to prove that every one of them is founded on fact. The Diwan Peishkar may kindly be ordered to go to the spot and examine men of status and position in the locality and take their sworn statements. I am furnishing below a list of witnesses—vide schedule B appended—who to the best of my knowledge are eye-witnesses to the various circumstances and events mentioned above.

In this connection I beg leave to inform the Diwan that I am a pattadar of the State, paying a land tax of nearly Rs. 60 a year for different items of properties lying in Kanippayyur and Kattakampal villages. I have been paying my tax for years together without making any default whatever at any time and I submit that the parvathiam of Kanipayyur village (where I am paying a land tax of Rs 46 a year) will bear testimony to this fact.

If as a result of the enquiry, the Diwan is satisfied that the allegations contained in this petition are true I pray the village officers concerned be ordered to make good the loss sustained by my lessee and myself from their (village officers) unwarranted acts. The Revenue authorities may be kindly ordered to surrender possession of the unavailable portions of Sy. No. 640/1 which now remain in the hands of the neighbouring land holders, and also to point out to me the exact boundaries of the field covered by the said Sy. No. 640/1.

Praying also that I may be heard on a convenient date, before disposing of this petition.

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